

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

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KARL HEINZ-WRIGHT,

Plaintiff,

-against-

**COMPLAINT**  
**JURY TRIAL DEMAND**

THE CITY OF NEW YORK and NEW YORK CITY POLICE  
OFFICERS "JOHN DOE" 1-2, the true names being currently  
unknown, Individually and in their Official Capacities,

Defendants.  
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Plaintiff, KARL HEINZ-WRIGHT, by and through his attorneys, **THE LAW OFFICES  
OF MICHAEL S. LAMONSOFF, PLLC**, as and for his Complaint, respectfully alleges, upon  
information and belief:

**PRELIMINARY STATEMENT**

1. Plaintiff bring this action for compensatory damages, punitive damages and attorney's fees pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988 for violations of his civil rights, as said rights are secured by said statutes and the Constitution of the United States of America.

**JURISDICTION**

2. This action is brought pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988, and the Fourth and Fourteenth Amendments to the United States Constitution.

3. Jurisdiction is founded upon 28 U.S.C. §§ 1331, 1343, and 1367.

**VENUE**

4. Venue is properly laid in the Eastern District of New York under U.S.C. § 1391(b), in that a substantial part of the events giving rise to the claim occurred in this District.

**JURY DEMAND**

5. Plaintiff respectfully demands a trial by jury of all issues in this matter pursuant to

Fed. R. Civ. P. 38(b).

### **PARTIES**

6. Plaintiff, KARL HEINZ-WRIGHT, is, and has been, at all relevant times, a resident of the City and State of New York.

7. Defendant, THE CITY OF NEW YORK, was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

8. Defendant, THE CITY OF NEW YORK, maintains the New York City Police Department, a duly authorized public authority and/or police department, authorized to perform all functions of a police department as per the applicable sections of the New York State Criminal Procedure Law, acting under the direction and supervision of the aforementioned municipal corporation, THE CITY OF NEW YORK.

9. At all times hereinafter mentioned, the individually named defendants were duly sworn police officers of said department and were acting under the supervision of said department and according to their official duties.

10. At all times hereinafter mentioned the defendants, either personally or through their employees, were acting under color of state law and/or in compliance with the official rules, regulations, laws, statutes, customs, usages and/or practices of the State or CITY OF NEW YORK.

11. Each and all of the acts of the defendants alleged herein were done by said defendants while acting within the scope of their employment by defendant, THE CITY OF NEW YORK.

12. Each and all of the acts of the defendants alleged herein were done by said defendants while acting in furtherance of their employment by defendant, THE CITY OF NEW YORK.

### **FACTS**

13. On or about June 10, 2012, at approximately 4:00 p.m., plaintiff KARL HEINZ-WRIGHT, was lawfully present in his vehicle in the vicinity of Farmers Blvd. and Merrick Blvd. in

Queens County in the State of New York.

14. At that time and place, plaintiff was driving lawfully in his vehicle.

15. Defendants unlawfully pulled plaintiff over without justification to do so.

16. Defendants immediately ordered plaintiff out of his vehicle.

17. Plaintiff complied and was immediately slammed against his vehicle and placed in handcuffs.

18. Defendants then searched plaintiff's vehicle uncovering no evidence of criminal or unlawful activity.

19. At no time on or about June 10, 2012 did plaintiff commit any crime or violation of law.

20. At no time on or about June 10, 2012 did defendants possess probable cause to arrest plaintiff.

21. At no time on or about June 10, 2012 did defendants possess information that would lead a reasonable officer to believe probable cause existed to arrest plaintiff.

22. Nevertheless, plaintiff was taken into custody and accused by defendants of Obstructing Governmental Administration, Disorderly Conduct, and a violation of the Vehicle and Traffic Law.

23. Plaintiff was thereafter transferred to a nearby precinct.

24. As a result of defendants' actions, plaintiff spent approximately twenty-four hours in custody.

25. Despite defendants' actions, all proceedings against plaintiff were adjourned in contemplation of dismissal on June 11, 2012.

26. As a result of the foregoing, plaintiff KARL HEINZ-WRIGHT sustained, *inter alia*, mental anguish, shock, fright, apprehension, embarrassment, humiliation, and deprivation of his

constitutional rights.

27. All of the aforementioned acts of defendants, their agents, servants and employees, were carried out under the color of state law.

28. All of the aforementioned acts deprived plaintiff of the rights, privileges and immunities guaranteed to citizens of the United States by the Fourth and Fourteenth Amendments to the Constitution of the United States of America, and were therefore in violation of 42 U.S.C. §1983.

29. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers with all the actual and/or apparent authority attendant thereto.

30. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers, pursuant to the customs, usages, practices, procedures, and rules of THE CITY OF NEW YORK and the New York City Police Department, all under the supervision of ranking officers of said department.

31. Defendants, collectively and individually, while acting under color of state law, engaged in conduct which constituted a custom, usage, practice, procedure or rule of the respective municipality/authority, which is forbidden by the Constitution of the United States.

**FIRST CLAIM FOR RELIEF FOR FALSE ARREST**  
**UNDER 42 U.S.C. § 1983**

32. Plaintiff KARL HEINZ-WRIGHT repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein and at length.

33. As a result of the defendants' conduct, plaintiff was subjected to illegal, improper and false arrest, taken into custody, and caused to be falsely imprisoned, detained, and confined without any probable cause, privilege, or consent.

34. As a result of the foregoing, plaintiff's liberty was restricted, he was put in fear for

his safety, and he was humiliated and subjected to handcuffing and other physical restraints, without probable cause.

**SECOND CLAIM FOR RELIEF FOR UNLAWFUL SEARCH**  
**UNDER 42 U.S.C. § 1983**

35. Plaintiff KARL HEINZ-WRIGHT repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein and at length.

36. Defendants unlawfully searched plaintiff's person and vehicle without cause, consent, or justification.

37. As a result of the foregoing, plaintiff's liberty was restricted, he was put in fear for his safety, and he was humiliated without probable cause.

**THIRD CLAIM FOR RELIEF**  
**FOR MUNICIPAL LIABILITY AGAINST THE NYPD DEFENDANTS**  
**UNDER 42 U.S.C. § 1983**

38. Plaintiff, repeats, reiterates, and realleges each and every allegation set forth above with the same force and effect as if fully set forth herein and at length.

39. The NYPD Defendants arrested, searched, and incarcerated plaintiff KARL HEINZ-WRIGHT, in the absence of any evidence of criminal wrongdoing, notwithstanding their knowledge that said search, arrest and incarceration would jeopardize plaintiff's liberty, well-being, safety, and violate his constitutional rights.

40. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers and officials, with all the actual and/or apparent authority attendant thereto.

41. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers and officials pursuant to the customs, policies, usages, practices, procedures, and rules of THE CITY OF NEW YORK and the New York City Police Department, all

under the supervision of ranking officers of said department.

42. Those customs, policies, patterns, and practices include, but are not limited to:
  - i. requiring officers to make a predetermined number of arrests and/or issue a predetermined number of summonses within a predetermined time frame;
  - ii. requiring precincts to record a predetermined number of arrests and/or issue a predetermined number of summonses within a predetermined time frame;
  - iii. failing to take any measures to correct unconstitutional behavior when brought to the attention of supervisors and/or policy makers;
  - iv. failing to properly train police officers in the requirements of the United States Constitution.

43. The aforesaid customs, policies, usages, practices, procedures and rules of THE CITY OF NEW YORK and the New York City Police Department directly cause, *inter alia*, the following unconstitutional practices:

- i. arresting individuals regardless of probable cause in order to inflate the officer's arrest statistics;
- ii. arresting individuals regardless of probable cause in order to inflate precinct-wide statistics;
- iii. falsifying evidence and testimony to support those arrests;
- iv. falsifying evidence and testimony to cover up police misconduct.

44. The foregoing customs, policies, usages, practices, procedures and rules of THE CITY OF NEW YORK and the New York City Police Department constitute a deliberate indifference to the safety, well-being and constitutional rights of plaintiff, KARL HEINZ-WRIGHT.

45. The foregoing customs, policies, usages, practices, procedures and rules of THE CITY OF NEW YORK and the New York City Police Department were the direct and proximate cause of the constitutional violations suffered by plaintiff as alleged herein.

46. The foregoing customs, policies, usages, practices, procedures and rules of THE CITY OF NEW YORK and the New York City Police Department were the moving force behind the

constitutional violations suffered by plaintiff as alleged herein.

47. As a result of the foregoing customs, policies, usages, practices, procedures and rules of THE CITY OF NEW YORK and the New York City Police Department, plaintiff was searched and placed under arrest unlawfully.

48. Defendants, collectively and individually, while acting under color of state law, were directly and actively involved in violating the constitutional rights of plaintiff.

49. Defendants, collectively and individually, while acting under color of state law, acquiesced in a pattern of unconstitutional conduct by subordinate police officers, and were directly responsible for the violation of plaintiff's constitutional rights.

50. All of the foregoing acts by defendants deprived plaintiff of federally protected constitutional rights, particularly their Fourth and Fourteenth Amendment rights to be free from unreasonable search and seizure.

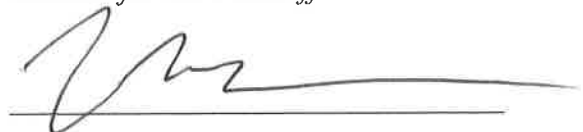
**WHEREFORE**, the plaintiff respectfully requests judgment against defendants as follows:

- i. an order awarding compensatory damages in an amount to be determined at trial;
- ii. an order awarding punitive damages in an amount to be determined at trial;
- iii. reasonable attorneys' fees and costs under 42 U.S.C. §1988; and
- iv. directing such other and further relief as the Court may deem just and proper, together with attorneys' fees, interest, costs and disbursements of this action.

Dated: New York, New York  
June 3, 2015

Respectfully submitted,

**LAW OFFICES OF MICHAEL S.  
LAMONSOFF, PLLC**  
*Counsel for the Plaintiff*



By: MATTHEW SHROYER (MS-6041)  
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New York, New York 10038  
(212) 962-1020



Docket No.  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT COURT OF NEW YORK

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KARL HEINZ-WRIGHT,

Plaintiff

-against-

THE CITY OF NEW YORK, AND NEW YORK CITY OFFICERS "JOHN DOE" 1-2, THE TRUE  
NAMES BEING CURRENTLY UNKNOWN, INDIVIDUALLY AND IN THEIR OFFICIAL  
CAPACITIES,

Defendants.

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**SUMMONS AND COMPLAINT**

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**LAW OFFICES OF MICHAEL S. LAMONSOFF, PLLC**


*Attorneys for Plaintiff*

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New York, New York 10005  
(212) 962-1020**

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TO: The City of New York  
c/o New York City Law Dept  
100 Church Street  
New York, New York 10007

Pursuant to 22NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of the State of New York, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

  
Matthew Shroyer